

June 16, 2016

POSITION STATEMENT: Cooking Schools

PURSUANT TO: Senate Bill 346 / S.L. 2011-335 Exempt Cooking Schools from Food Regulations; N.C.G.S. 130-250(14)

SOURCE: Cindy R. Callahan, REHS
Head, Food Protection and Facilities Branch

QUESTION/ISSUE: When is a cooking school exempt and when is a food establishment permit required?

This position statement replaces the April 30, 2007, Cooking Schools/Classes Memo.

DISCUSSION/RATIONALE:

In June 2011, Senate Bill 346 / S.L. 2011-335 amended N.C.G.S. 130A-250 to exempt bona fide cooking schools from regulations governing the sanitation of establishments that prepare or serve food or drink to the public. N.C.G.S. 130A-250(14) states:

“Bona fide cooking schools, defined for the purpose of this subdivision as cooking schools that (i) primarily provide courses or instruction on food preparation techniques that participants can replicate in their homes, (ii) prepare or serve food for cooking school participants during instructional time only, and (iii) do not otherwise prepare or serve food to the public.”

Therefore, the following guidance is provided:

- Cooking schools which provide instruction, student food preparation, recipes, and/or curriculum are exempt from regulation by the local health department.
- Because bona fide cooking schools are exempt, they cannot store, prepare, open, cook, or conduct unregulated activities in a permitted food establishment.
- Cooking schools shall require a food establishment permit when the cooking school prepares or serves food or drink to the public for pay.

Some cooking school scenarios may need to be evaluated on a case-by-case basis. Please contact your Environmental Health Regional Specialist if you need assistance.

REFERENCES:

N.C.G.S. 130A-247-250
Rules Governing the Food Protection and Sanitation of Food Establishments (15A NCAC 18A .2600)
North Carolina Food Code Manual

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.